

BILL NO. Z-87-04-14

ZONING MAP ORDINANCE NO. Z-09-87

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. G-2.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

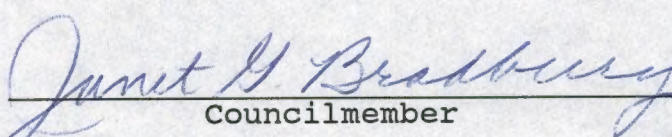
SECTION 1. That the area described as follows is
hereby designated a POD (Professional Office District) under
the terms of Chapter 33 of the Code of the City of Fort
Wayne, Indiana of 1974:

Part of LaGro Section, Township 30 North, Range 12 East
of the 2nd Principal Meridian, more particularly
described as follows, to wit:

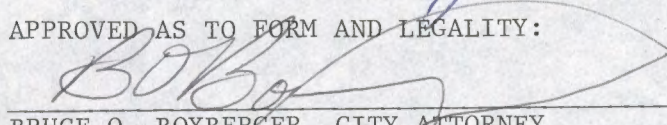
Commencing at the southeast corner of LaGro Section
(LaGro Reserve), Township and Range aforesaid; thence
South 88 degrees 41 minutes West along the South line
of said LaGro Section, 429 feet; thence North 01 degree
16 minutes West, 2640 feet to a stone corner; thence
South 86 degrees 53 minutes 30 seconds West, 66 feet to
the centerline of Upper Huntington Road (a.k.a.
Jefferson Blvd. & US 24); thence South 50 degrees 39
minutes 30 seconds West along said centerline of the
Upper Huntington Road, 1700 feet for the point of
beginning, this being the Northeast corner of the tract
herein described, said tract being situated in the
Northeast Quarter of Section 8, Township 30 North,
Range 12 East of the 2nd Principal Meridian; thence
South 40 degrees 45 minutes East, 385 feet; thence
South 50 degrees 10 minutes West, 180 feet; thence
North 40 degrees 45 minutes West, 385 feet to a point
in said centerline of the Upper Huntington Road; thence
North 50 degrees 39 minutes 30 seconds East along said
centerline, 180 feet to the point of beginning,
containing 1.59 acres of land, more or less, except all
legal roads and highways,

and the symbols of the City of Fort Wayne Zoning Map No. G-
2, as established by Section 11 of Chapter 33 of the Code of
the City of Fort Wayne, Indiana are hereby changed
accordingly.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage and approval by the
Mayor.


Councilmember

APPROVED AS TO FORM AND LEGALITY:


BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by Bradbury
seconded by Quinn, and duly adopted, read the second time
by title and referred to the Committee Legislators (and the City
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,
Indiana, on _____, the _____ day of _____,
19____, at _____ o'clock _____ M., 19____

DATE: 4-14-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury
seconded by Quinn, and duly adopted, placed on its
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>BRADBURY</u>	<u>1</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>BURNS</u>	<u>1</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>EISBART</u>	<u>1</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>GIAQUINTA</u>	<u>1</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>HENRY</u>	<u>1</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>REDD</u>	<u>1</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>SCHMIDT</u>	<u>1</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>STIER</u>	<u>2</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>TALARICO</u>	<u>1</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

DATE: 5-12-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. 3-09-87
on the 12th day of May, 1987,

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Mark E. GiaQuinta
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,
on the 13th day of May, 1987
at the hour of 11:30 o'clock A. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 14th day of May
1987, at the hour of 11:00 o'clock A. M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

RECEIPT

No 1184

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 3/20 1987

RECEIVED FROM

THE SUM OF

ON ACCOUNT OF

Dr. H. John Spindel \$ 50.00
fifty + 00/100 DOLLARS
4309 W. Jefferson
Hett

AUTHORIZED SIGNATURE

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We Dr. H. John Goebel D.C.
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-1 District to a/an P.O.D... District the property described as follows:

see attached legal description

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

4309 W. Jefferson Blvd.

Fort Wayne, IN 46804

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Anthony Vincent Mante

4309 W. Jefferson Blvd.

Anthony V. Mante

Toni Mante

4309 W. Jefferson Blvd.

Toni R. Mante

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

Dr. H. John Goebel D.C.

3105 S. Calhoun St. 46807

745-5388

(Name)

(Address & Zip Code)

(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description:

Part of LaGro Section, Township 30 North, Range 12 East of the 2nd Principal Meridian, more particularly described as follows, to wit:

Commencing at the southeast corner of LaGro Section (LaGro Reserve), Township and Range aforesaid; thence South 88 degrees 41 minutes West along the South line of said LaGro Section, 429 feet; thence North 01 degree 16 minutes West, 2640 feet to a stone corner; thence South 86 degrees 53 minutes 30 seconds West, 66 feet to the center line of Upper Huntington Road (a.k.a. Jefferson Blvd. & US 24); thence South 50 degrees 39 minutes 30 seconds West along said center line of the Upper Huntington Road, 1700 feet for the point of beginning, this being the Northeast corner of the tract herein described, said tract being situated in the Northeast Quarter of Section 8, Township 30 North, Range 12 East of the 2nd Principal Meridian; thence South 40 degrees 45 minutes East, 385 feet; thence South 50 degrees 10 minutes West, 180 feet; thence North 40 degrees 45 minutes West, 385 feet to a point in said center line of the Upper Huntington Road; thence North 50 degrees 39 minutes 30 seconds East along said center line, 180 feet to the point of beginning, containing 1.59 acres of land, more or less, except all legal roads and highways.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on April 14, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-04-14; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on April 20, 1987.

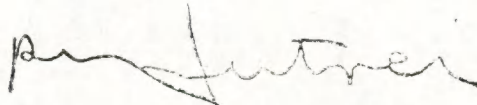
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held April 27, 1987.

Certified and signed this
8th day of May 1987.



Robert Hutner
Secretary

Division of Community Development & Planning

FAST SHEET

4-8/-04-14

BILL NUMBER

BRIEF TITLE

Zoning Ordinance Amendment

From R-1 to POD

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

4309 W. Jefferson Bl

Reason for Project

Professional Office Development

Discussion (Including relationship to other Council actions)

20 April 1987 - Public Hearing

Dr. John Goebel, petitioner stated that this property was across the street from the proposed Apple Glen Shopping Center. He stated that the use of the property for a chiropractic office would act as a buffer to the residential properties south from the commercial developments along West Jefferson. He stated that he intended to develop his practice on the property. Dr. Goebel questioned the conditions placed on the property regarding the signage and the staff requirement regarding the installation of street lighting along the front of his property. He stated that there are other professional offices along here and they do not have street lighting in front of their properties. He also questioned the need for a 30 foot landscape buffer along the south property line. He stated that there is a natural wooded buffer there presently along the entire south property line.

Steve Smith stated that Dr. Goebel should meet with the staff and address those questions to the appropriate departments.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/ Proponents

Applicant(s)

Dr. H. John Goebel, D.C.
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff Recommendation

☒ For

☐ Against

Reason Against

Board or Commission Recommendation

By

☒ For

☐ Against

☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

CITY COUNCIL ACTIONS (For Council use only)

☐ Pass

☐ Other

☐ Pass (as
amended)

☐ Hold

☐ Council Sub.

☐ Do not pass

DETAILS

Any conditions placed on a POD are placed on the primary and secondary development plans and not the rezoning.

There was no one present who wished to speak in favor of or in opposition to the proposed rezoning.

27 April 1987 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO PASS recommendation, motion carried.

Of the 8 members present 7 voted in favor of the motion one (1) did not vote.

POLICY/ PROGRAM IMPACT

Policy or
Program
Change

☐

No

☐

Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 20 March 1987

Projected Completion or Occupancy

Date 8 May 1987

Fact Sheet Prepared by
Patricia Biancianiello

Date 8 May 1987

Reviewed by
Guy Bustin
Reference or Case Number

Date
11 May 1987

ORIGINAL

Admn. Appr. _____

COUNCILMANIC DISTRICT No. _____

DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE Zoning Ordinance Amemdment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE 4309 W. Jefferson St

3-87-04-14

EFFECT OF PASSAGE Property is presently zoned R-1 - Single Family Residential.
Property will become a P O D - Professional Office District.

EFFECT OF NON-PASSAGE Property will remain an R-1 - Single Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

BILL NO. Z-87-04-14

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of

Fort Wayne Zoning Map No. G-2

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)
(~~RESOLUTION~~) Do Pass

YES

NO

Janet G. Bradbury JANET G. BRADBURY
CHAIRPERSON

Charles B. Redd CHARLES B. REDD
VICE CHAIRMAN

Thomas C. Henry THOMAS C. HENRY

PAUL M. BURNS

Ben A. Eisbart BEN A. EISBART

CONCURRED IN 5-12-87

SANDRA E. KENNEDY
CITY CLERK

